REMARKS

Amendments to the Claims

Claims 1 and 9 have been amended without prejudice and new claim 10 has been introduced to recite preferred embodiments of applicants invention which are more clearly differentiated from the prior art.

Amended claims 1 and 9 specify that the invention is directed to an apparatus for preparing and dispensing batches of an oil and water containing emulsion comprising one or more post-added ingredients as is disclosed on page 7, lines 16-19.

Amended claims 1 and 9 also specify that the apparatus allows a variety food products to be prepared and dispensed through the dispenser (7) in batches without the need for extensive cleaning operations when there is a product switch (page 18, lines 21-24).

Amended claim 9 further specifies that the volume of the conduits between the last mixer and the dispensing unit is less than 10 vol% of the dispensing volume as is disclosed on page 13, lines 1-4.

New claim 10 specifies that the batch of food product dispensed has a volume of 1 to 200 ml and is prepared in a time within 1 to 60 seconds (page 14, lines 7-8).

Claims 5-8 were withdrawn in response to a restriction requirement mailed May 21, 2009.

Claim Rejections – 35 USC §102

Claim 1-4 were rejected under 35 USC 102 (b) as being anticipated by Cadeo (US 6,280,075). Applicants respectfully request the Examiner's reconsideration in view of the above amendments and following remarks.

The current invention is directed to an apparatus that can rapidly prepare a variety of food products in individual portions or batches and dispense them through a single dispenser, for example, 1 to 200 ml batches of various dressing in a time within 1 to 60 seconds (page 4, lines 9-12).

In applicants' invention a set of ingredients used to make the various types of emulsion are collected in source unit (a) and various ingredients that can be post-added to the emulsion reside in a single source unit (b). The apparatus is arranged such that any one or more of the post-added ingredients in the source unit (b), can be utilized, thus, allowing an array of food products to be prepared and dispensed though a single dispenser (7).

To reduce cross contamination the post-added ingredients are grouped into families having highly similar color, taste and consistency such that any residue which may remain in the processing means will not have an adverse effect on the perception of the product by the end-user.

To even further reduce cross contamination, another embodiment of the apparatus incorporates design features that limits the ratio of the volume of the product that is dispensed to the volume of the mixing means to at least 5:1; and limits the volume of the

conduits between the last mixer and the dispensing unit to less than 10 vol% of the dispensing volume.

In contrast, Cadeo is directed to a system for continuously preparing at least two different liquid foodstuff mixtures having at least one component in common, which plant is intended to be connected to continuously operating filling apparatuses for the foodstuff liquids (column 1, lines 13-19). The system includes a source unit comprising one or more component reservoirs (3) and a source units comprising reservoirs for post-added ingredients (1,2).

Applicants' invention recited in claim 1 differs from Cadeo in at least the following aspects which are not taught either explicitly or impliedly by Cadeo nor are inherently present.

Firstly, applicants' apparatus is capable of manufacturing a variety of individual batches of food products and dispensing them from a single dispenser. In contrast, Cadeo teaches a continuous process plant "intended to be connected to at least two continuously operating bottling apparatuses [dispensers] for these liquid foodstuff mixtures" (claim 1). This fundamental difference places design limitations on the structure of the apparatus and the individual components.

Secondly, in applicants' apparatus, the reservoirs within the source unit (b) are arranged into at least two families of post-added ingredients, wherein each member of the family is highly similar in color, taste and consistency. Each family operates as a unit within the source reservoir and is arranged to feed the emulsion formed from source unit (a) such that any residue which may remain in the processing means will not have an adverse effect on the perception of the product by the end-user. This structural feature of the apparatus is critical in allowing a variety of food products to be prepared and dispensed through a single dispenser (7) in batches without the need for extensive cleaning operations when there is a product switch.

In contrast, in the system taught by Cadeo the post-added ingredients are not arranged in families at all but each have their own separate feed lines to connecting points with source unit 3 (102, 103). In fact, Cadeo is silent about cross contamination arising from product residues because in the Cadeo system each group of post–addition components from units 1 and 2 are dedicated to separate product streams (30, 40) and dispensed in a separate bottling apparatus (33, 43).

Absent a teaching of an apparatus that allow a variety of food products to be prepared and dispensed through a single dispenser (7) in batches without the need for extensive cleaning operations when there is a product switch which includes the structural feature of reservoirs for post-added components arranged in families having highly similar color, taste and consistency, Cadeo can not anticipate claim 1.

Regarding claim 9, the apparatus recited in claim 9 requires that the size and capacity of the components comprising the apparatus are such that the ratio of the volume of the product that is dispensed by the apparatus compared with the volume of the mixing means is at least 5:1; and that the volume of the conduits between the last mixer and the

dispensing unit is less than 10 vol% of the dispensing volume. Both limitations are designed to further reduce cross contamination from residue during sequential dispensing of different products from the single dispensing unit. Cadeo is silent about the problem of cross contamination and about either of these dimensional limitations and thus can not anticipate claim 9. In fact, in the apparatus disclosed by Cadeo in Fig 1, the volume of the conduits between the last mixer (31 or 32) and the dispensing unit (33 or 43) which includes elements 30 or 40 and 32 or 42 is many time larger than the dispensing volume which is the volume of a bottle of soda (e.g., I liter).

The apparatus recited in claim 10 requires that the batch of food product dispensed has a volume of 1 to 200 ml and is prepared in a time within 1 to 60 seconds. Cadeo is silent about these limitations and thus can not anticipate claim 10.

If a telephone conversation would be of assistance in advancing prosecution of the subject application, applicants' undersigned agent invites the Examiner to telephone him at the number provided.

Respectfully submitted,

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